PATTERNS
OF
POWER

Two Vicars of Christ

The Great Schism and the Repair of a Broken Source of Title

1378 — 1409 — 1417

Thomas J. Bryan
with Claude (Anthropic)

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Held as tested, not revealed.
A case study in the Patterns of Power series.

Primary sources quoted exactly; modern scholarship paraphrased and credited.
Contested figures given as ranges. Nothing reconstructed from memory.

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PREFACE AND OUTLINE

Front matter · how this study was made, the disciplines it holds itself to, and a map of its fourteen parts

The collaboration

This is a case study in the Patterns of Power series, applying the series' framework to the Great Schism of the west — from the conclave of April 1378 and the rival election at Fondi that September, through the failed council at Pisa in 1409, to the Council of Constance, the election of Martin V in November 1417, and the suppression of the doctrine that had made the repair possible. The framework is a lens for reading how any order of power is founded, dressed and held: the floor of force, the robe of doctrine laid over it, the settlement that divides the spoils, the cost column, the seam through which beliefs are managed, the default by which an elite coordinates without instruction, and position logic beneath it all.

An earlier paper in this project treated these events under an earlier version of the framework. This study revisits them with the machinery five subsequent case studies have supplied, and is framed on the structural question rather than on the narrative: **what happens to an authorisation when the authoriser forks, and how — if at all — such a thing can be repaired.**

What this case isolates

This is the sixth study in a sequence and it supplies the term the other five could state but not test.

Those studies sorted their cases by where the authorising credential lived — in an office, in a person, in a family, in a state grant, in a claim of direct revelation — and catalogued the ways such an instrument fails: capture, compulsion, purchase, starvation, hollowing, expenditure. Each of those failures requires somebody to do something: to seize, to compel, to buy, to defund, to abandon.

This case supplies a failure that requires nobody to do anything wrong. Two men were elected by the same college of sixteen cardinals in the same year. Both were

validly consecrated. Both issued genuine bulls. Both were, so far as can be told, sincere. And the instrument was destroyed — because an authorisation is a statement that something is uniquely so, and a statement available from two independent sources is not a statement about the world but a statement about which source you asked.

The case also resolves, from a new direction, the question the Investiture study left open about institutional credentials. That study found the Latin credential capturable, and therefore worth a fifty-year war. The Seljuk and Mughal studies found the Islamic credential uncapturable, and therefore also uncommittable. **This case shows the third face of the same property: an institutional credential permits a corporate remedy that a personal one cannot.** There is no Islamic Council of Constance and there could not be — no roll of members, no majority, no act that binds the absent. The bishops of Europe could assemble and depose a pope precisely because ordination came from an office in a structure. **Reach, capturability, forkability and corporate self-repair turn out to be four faces of one property**, and no institution gets to choose among them separately.

And the case supplies a finding about centralisation that only a mature institution can demonstrate. Three centuries of reform had made the papacy the single addressee of every question in the western church. **A disputed election in a room with sixteen men in it therefore stopped provision, appeal, dispensation and jurisdiction across Latin Europe for thirty-nine years, because there was nowhere else for any of them to go.** The Gregorian victory is the schism's severity, and the two are the same fact separated by three hundred years.

The problem of the sources

The documentary position is unusual and its peculiarity is itself the finding of one module.

Both sides won, in the sense that both archives survived. The Avignon and Roman curias each kept complete registers of bulls, accounts, judicial records and legatine correspondence, and both bodies of material came into the possession of the restored papacy. The historian therefore has two complete administrative records of the same forty years, kept by parties who did not acknowledge each other's existence.

They do not disagree about the facts. Both record the conclave of April, the declaration of August, the election of September. What they contain is two administrations behaving as though the other did not exist — each providing to the same benefices, each hearing appeals from the same provinces, each recording its acts as the acts of the universal church.

That defeats this framework's usual instrument. Information asymmetry requires an asymmetry of sincerity: a public claim set beside a private fact, and the gap left to speak. A fork between two parties who both believe their own case produces symmetric records of incompatible worlds, and there is no source-critical operation that reconciles them, because neither is lying. The study says so rather than manufacturing a gap.

Two further cautions. **This study takes no position on which line was validly elected.** The arguments on both sides of the duress question are serious — the mob was real and the tocsin was rung; and the cardinals treated Urban as pope for four months before declaring the election void — and the Catholic Church itself has never formally determined the matter, the numbering of the popes reflecting it in an unresolved state into the twentieth century.

And no figures are given anywhere in this study for revenue, casualties, the number of contested benefices or the size of either obedience, because the surviving material does not support them.

The disciplines

Five rules govern every module. **Quotation**: public-domain primary sources exactly, modern scholarship paraphrased and credited. **No fabrication**: nothing invented or reconstructed from memory, and contested points flagged as contested. **Gravity without partisanship**: neither obedience is treated as the true one and neither as the fraud. **Legibility is not pardon.** And **held as tested, not revealed**.

What this case added to the framework

The central contribution is the failure mode: **forking, in which an authorisation is destroyed without any party's misconduct, because its product was never the endorsement but the uniqueness of the endorsement.** From which: **a source of title's authority is not divisible; it is destructible, and dividing it is how you destroy it.**

Beneath that, findings the case forced. That **an authority which cannot be judged cannot have its own occupancy adjudicated**, so such an authority must locate that question in a self-executing external rule and has nothing to fall back on if the rule fails. That where the contested object is an office whose value is its non-seizability, **seizing it forfeits the prize** — which is why a legitimacy fork resists military resolution and lasted thirty-nine years alongside a dynastic war that produced battles and treaties. That **an institution's exposure to an apex crisis is proportional to the share of its**

output that consists of repeated allocations rather than permanent conferrals: ordination survived a total apex failure untouched; provision to a benefice did not survive at all. That where legitimacy cannot be adjudicated, **it is answered by the enmity structure that already exists**, which is why the obedience map is the Hundred Years' War map. That personal sanctity **cannot adjudicate a dispute in which it appears on both sides** — Catherine of Siena for Rome, Vincent Ferrer for Avignon, both canonised.

That **a forked authority cannot retrench**, because every economy is legible to the other side as a concession, so its costs rise monotonically and it can end only in a settlement, never in exhaustion. That **suspension** — declining to be governed by any claimant while continuing to operate — is a distinct instrument from defection, is available in proportion to the allocative share of an institution's business, and once used is a demonstrated capability that cannot be revoked. That **a change in an assembly's unit of account changes what kind of thing is a party to its decisions**, and will outlast every reason for which it was made. That an institution performing an unprecedented act against its own head will **demonstrate orthodoxy on a subordinate**, and its victims will be found among those who advocated the same principle from beneath.

And the two that carry the most weight. **A broken source of title is repaired by an outside enforcer plus an inside donor**, and where either is missing the repair produces a further claimant rather than a resolution: Pisa had neither and made three popes; Constance had Sigismund and had Gregory XII, whose envoys were commissioned *to convoke and not to recognise* a council that could then receive his resignation. And: **the repair of an unjudgeable authority is self-abolishing**, because the restored office cannot tolerate the precedent that restored it — which is why Martin V forbade appeals to a council within months of being elected by one, and why Pius II, who had written for conciliarism, abolished the appeal in 1460.

The arc

Landscape. *Romano Lo Volemo.* An office that three centuries of reform had made the single addressee of Christendom, sixteen cardinals in a city they were afraid of, and the reason a disputed election had no remedy.

1 — The Floor of Force. *The Butcher of Cesena.* Two armies that could not destroy each other, and the reason force was the one instrument that could not settle this.

2 — The Settlement. *Two Provisions to One Benefice.* What broke when the apex forked, what did not break at all, and why the difference is the measure of an institution's exposure.

3 — The Robe. *Both Were Vicar of Christ.* One title claimed twice, an argument nobody could win, and the discovery that a source of title cannot certify itself.

4 — Formation. *Two Saints on Opposite Sides.* A question holiness could not answer, and an interpretive class that invented a third authority above both — and could do so where the ulama could not.

5 — The Cost Column. *Each Obedience Paid in Full.* Two complete curias funded from half a Christendom each, and the bill still being presented in 1517.

6 — Extraction. *The Subtraction of Obedience.* An instrument invented in 1398 that suspended the relation instead of choosing, and what its inventors discovered they had built.

7 — Information and Suppression. *The Universities Were Asked.* Two archives that agree on the facts and not their meaning, and a council that burned a man for saying what the council was doing.

8 — Elite Coordination and the Default. *To Convoke and Not to Recognise.* A repair that failed for want of standing, a repair that worked because a claimant lent his authority to his own removal, and the emperor who supplied what neither council could supply itself.

9 — Plurality or Foreclosure. *The Nations Voted.* A procedural decision that made kingdoms into constitutional units, and the men for whom none of it did anything.

10 — Change and Collapse. *No Appeal from Pope to Council.* An institution repaired by a doctrine that subordinated it, and the century it spent destroying the doctrine.

11 — The Grim Accounting. *Forty Years of Doubtful Jurisdiction.* A ledger in which almost every cost fell on people with no view on the question.

12 — Convergence and Divergence. *The Price of Having One Desk.* Where a fork sits among the failure modes this sequence has catalogued — with the strongest case for the conciliar solution, stated fully and answered.

LANDSCAPE

ROMANO LO VOLEMO

Landscape · the order on the eve — an office that three centuries of reform had made the single addressee of Christendom, a college of sixteen men in a city they were afraid of, and the reason a disputed election had no remedy

What the reform had built

Begin with the achievement, because the catastrophe is its direct consequence.

In 1075 the Roman church had been a see whose occupants the German emperor appointed; the *Dictatus papae* of that year is a list of propositions that read, at the time, as extravagant. By 1378 almost every one of them was operational fact.

The pope appointed and deposed bishops. He provided to benefices across Europe, over the heads of chapters and patrons. He heard appeals from every ecclesiastical court in Latin Christendom, and the growth of that appellate business had built a curia, a chancery, a penitentiary and a treasury around it. He granted dispensations — from impediments of marriage, from irregularities of ordination, from oaths, from residence — and only he could grant them. He taxed the clergy of Europe through annates and services and the reserved fruits of vacant sees. He proclaimed crusades, made and unmade religious orders, canonised, and absolved in cases reserved to himself alone.

Three centuries of reform had converted a bishopric into the single addressee of Christendom. Every question that required an answer in the western church now ran to one desk.

And *Dictatus papae* XIX, which had been the boldest of the propositions, had become the constitutional foundation of all the rest: *quod a nemine ipse iudicari debeat* — that he himself may be judged by no one.

That clause is the reason the office worked, and it is the reason the events of 1378 had no remedy. The Investiture study in this sequence established why an authority of that kind must be unjudgeable: a source of title that can be overruled is one claimant among several with an appeal process, and its determinations are not terminal. Terminality is the product.

But an office that no one may judge is an office about which no dispute can be adjudicated — including a dispute about who holds it. The property that made the papacy usable for three hundred years is the property that made 1378 insoluble for

thirty-nine.

The state of the office in 1378

Set out the immediate position.

The papacy had been at Avignon for nearly seventy years — from 1309, seven successive French popes, a curia largely French, a fiscal apparatus of great sophistication, and a reputation across the rest of Europe for being an instrument of the French crown. Gregory XI had brought it back to Rome in January 1377, against the advice of most of his cardinals, into a city that had spent two generations without a papal court and had recently been at war with him.

He died on 27 March 1378.

The College that assembled to elect his successor consisted of sixteen cardinals: eleven French — of whom seven were from the Limousin — four Italians, and one Spaniard, Pedro de Luna of Aragon. Six further cardinals were still at Avignon and did not attend.

A French-majority college was to elect a pope in a Roman city that had just recovered the papacy and did not intend to lose it again.

The conclave

The conclave opened on 7 April in the Vatican — the first ever held there — and was one of the shortest in the church's history.

The Roman crowd came in. Some of the populace got into the palace and pressed the cardinals for a promise that an Italian would be chosen; Cardinal d'Aigrefeuille answered that the cardinals could make no such concession. The people stayed in the Vatican through the night, drinking the wine that had been laid in, and calling out:

> *Romano lo volemo, o al manco italiano.*
>
> *We want a Roman, or at the least an Italian.*

The next morning, while the cardinals were at Mass, the tocsin was rung and the bells of St Peter's joined it. The guardian of the conclave urged them to be quick, saying the people wanted a Roman or an Italian and that resistance would be dangerous.

Pedro de Luna proposed Bartolomeo Prignano, Archbishop of Bari — a Neapolitan, a career papal bureaucrat, a man of mature years whom they all knew to be learned and austere, and **not a cardinal.** He was elected. He is the most recent non-cardinal to become pope. The crowd broke in; the cardinals put papal robes on the

elderly Roman cardinal Tebaldeschi to buy time and escaped.

Prignano took the name Urban VI, and then behaved in a way nobody had anticipated. He denounced the cardinals to their faces, called them fools, threatened them with imprisonment, and announced reforms aimed directly at their incomes and households. Within four months the French cardinals had left Rome for Anagni.

On **9 August 1378** they declared his election null and void as having been made in fear of the Roman mob, and the see therefore vacant. On **20 September** at Fondi, under the protection of Urban's enemy and near Queen Joanna of Naples, thirteen of them elected one of their own: Robert of Geneva, who took the name Clement VII.

Both men had been elected by the same college in the same year. Both were validly consecrated bishops. Both excommunicated the other.

Why nobody could tell

The reason the question could not be settled is not that the evidence was thin. It is that the evidence was strong on both sides.

For the duress claim: the mob was real, it was in the palace, the tocsin was rung, the guardian of the conclave told them resistance would be dangerous, and they fled the building. Canon law held that an act performed under grave fear was voidable. That is not a pretext; it is a proper argument on established grounds.

Against it: the cardinals treated Urban as pope for months afterwards. They attended him, sought and received favours from him, and asked him to confirm acts. Men who believe an election void do not petition the man elected. That, too, is a proper argument.

And no court existed that could weigh them. The only authority competent to judge a papal election was the pope, and the identity of the pope was the question. The cardinals were parties. The kings were parties. There was, by construction, nobody left.

A dispute in which every possible judge is a litigant does not get decided. It gets chosen.

Reading the eve against the framework

On the recursion, and it is unusually direct. This sequence has generally found a conquest naturalised. Here what had naturalised was an *institutional victory* — the Gregorian reform's establishment of the papal monarchy, examined in the second study of this sequence as a fifty-year war over an institutional credential. By 1378 the outcome of that war was simply the way the church was, and nobody experienced the pope's appellate jurisdiction or his power of provision as a recent acquisition.

Which produces the landscape's contribution, and it is a proposition about centralisation that the earlier studies could set up but not test.

An institution that has made itself the single addressee of every question has no redundancy, so a dispute at its apex is not a succession crisis but a system failure. Consider what a contested election would have cost in 1050, before the reform: very little outside Italy, because bishops were appointed by kings, appeals were heard locally, and the pope's practical involvement in the life of a French or English diocese was slight. By 1378 a contested election meant that no benefice could be securely provided, no appeal securely heard, no dispensation securely granted, and no excommunication securely known to bind, anywhere in Latin Europe.

The reform's victory is the schism's severity, and the two are the same fact separated by three hundred years.

And the second, which is the case's governing tension. *A nemine iudicari debeat* is a necessary property of a source of title and it has a price that only shows up once.

An authority that cannot be judged cannot have its own occupancy adjudicated — so the very clause that makes its determinations terminal makes a dispute about who is issuing them permanent. Every case in this sequence has found rulers seeking an issuer who could not be overruled. This case is what that requirement costs when the issuer's own identity comes into question, and the answer is thirty-nine years.

A note on sources.

The provisions of the *Dictatus papae* of 1075 are quoted and discussed in the Investiture Contest study in this sequence, with its sources; the description of papal jurisdiction, provision, appellate business, dispensing power and taxation as it stood in the fourteenth century is standard.

The Avignon residence from 1309, Gregory XI's return to Rome in January 1377 and his death on 27 March 1378 are standard. The composition of the conclave — sixteen cardinals present, eleven French of whom seven were Limousins, four Italians

and one Spaniard, with six absent at Avignon — follows the standard accounts; small variations in the count appear in the literature.

The conclave of 7–9 April 1378, the first held in the Vatican, its brevity, the intrusion of the populace, d'Aigrefeuille's refusal, the crowd's cry, the ringing of the tocsin, the guardian's warning, Pedro de Luna's proposal of Prignano, and the expedient of robing Cardinal Tebaldeschi, are as reported in the *Catholic Encyclopedia* article on Urban VI and in the standard accounts. The Italian cry *Romano lo volemo, o al manco italiano* is quoted in that form; slight variants appear in other renderings.

That Urban VI is the most recent non-cardinal elected pope is standard. His conduct toward the cardinals is reported in hostile and friendly sources alike with differences of emphasis and is given here in general terms.

The declaration of nullity of 9 August 1378, the withdrawal to Anagni and then Fondi under the protection of Urban's enemy and near Joanna of Naples, the adherence of the three Italian cardinals on 15 September, the encouragement of Charles V of France, and the election of Robert of Geneva as Clement VII on 20 September 1378, are standard.

The argument that the cardinals' treatment of Urban as pope in the months after the election is the strongest evidence against the duress claim is standard in the historiography; this study reports the dispute and does not resolve it, and no position is taken here on which claimant was validly elected.

MODULE 1

THE BUTCHER OF CESENA

Module 1 · the floor of force — a pope who had ordered a massacre the year before he was elected, two armies that could not destroy each other, and the reason force was the one instrument that could not settle this

Who the second pope was

Robert of Geneva was thirty-six when he was elected at Fondi. He was a cardinal, a nobleman of the house of Geneva, related to most of the ruling families of France, and he was the man who in February 1377 had commanded the papal forces at Cesena.

The city had risen against the Breton mercenaries garrisoned there. Robert, as legate, negotiated, gave assurances, and then admitted John Hawkwood's companies and the Bretons into the town. The killing ran for several days. The contemporary figures range from two to five thousand and none of them is a count; what is not disputed is that it was a massacre of a surrendered civilian population conducted on the authority of a cardinal-legate.

Nineteen months later he was Clement VII, and half of Latin Christendom obeyed him.

That fact should be held steady through everything that follows, because it disposes of one reading of this case before it can start. The schism was not a contest between a holy party and a worldly one. It was a contest between two men, one of whom had ordered a massacre, and one of whom appears to have been genuinely and destructively convinced of his own reforming mission, and neither of those facts settled anything about who was pope.

What each side had

The military position was real and it was symmetrical enough to guarantee stalemate.

Urban VI held Rome, unreliably, and the loyalty of most of Italy outside Naples. His resources were the papal states, such as they were after seventy years of absentee government, and the alliances he could make in the peninsula. He created twenty-nine cardinals to replace the thirteen who had left.

Clement VII had the Breton and Gascon companies, the money of the Avignon curia — which was considerable, since the fiscal apparatus of seventy years had stayed there with its officers — and the support of France, which was the greatest military power in Europe.

They fought. Clement's forces attempted to take Rome in 1379 and were beaten at Marino; he withdrew to Naples and then to Avignon, and the papal states remained with the Roman line for the duration. There were campaigns in Naples, where Urban excommunicated and deposed Joanna and installed Charles of Durazzo, then fell out with him and was besieged by him at Nocera. In 1385 Urban had six of his own cardinals arrested for conspiracy, tortured, and — five of them — killed.

Neither side ever came close to destroying the other, and after the first few years neither seriously tried. The schism settled into two administrations, each governing its obedience, each maintaining a curia, each collecting its revenues.

Why force could not settle it

Now the module's finding, and it is the reason this dispute ran for thirty-nine years where an ordinary dynastic quarrel is settled in a campaign season.

Suppose Clement had taken Rome in 1379 and Urban had been killed. What would have been established?

That Clement held Rome. **Not that Clement was pope** — because the disputed question was whether his election in September 1378 had been lawful, and taking a city by force is not evidence about a canonical election. The victor would have been a man who had won a war, and this whole sequence has established what a title held by the man who won the war is worth: it is a report on who is currently winning.

That is the trap and it is specific to this class of dispute.

Where the contested object is an office whose entire value consists in not being seizable, seizing it destroys the thing being fought for. A duchy taken by force is a duchy. A papacy taken by force is a warlord in a cope. Everyone involved understood this, which is why the popes fought over the papal states — which are ordinary territory and can be held by ordinary means — and did not seriously attempt to settle the constitutional question by arms.

The consequence is that **a legitimacy fork is uniquely resistant to military resolution, and will therefore persist far longer than a dispute of comparable political weight over anything else.** Compare the Hundred Years' War running alongside it: campaigns, battles, treaties, territorial change, an eventual answer. The schism had none of those available. It ran for thirty-nine years and ended in a

committee.

What the floor was actually for

Which leaves the question of what the armies were doing, and the answer is that they were doing what armies always do in such cases: **holding the ground on which an eventual settlement would be negotiated, and collecting the revenue that paid for the argument.**

The papal states mattered because they paid. Naples mattered because it commanded the approach to Rome. Avignon mattered because it was defensible and because the fiscal machinery was there. When the French crown, exasperated, besieged Benedict XIII in the papal palace at Avignon in 1398 and held him there for four years, that was not an attempt to decide who was pope. It was an attempt to make one of the claimants resign, which is a different thing, and it failed.

And that failure is the module's second finding. Force could not establish a pope and it could not remove one either. Benedict XIII was besieged, deserted by his cardinals, abandoned by every kingdom that had obeyed him, and formally deposed by a general council in 1417 — and he went on calling himself pope at Peñíscola until he died in 1423, creating cardinals to the end, one of whom elected a successor.

An office that cannot be judged also cannot be resigned out of by anyone except its holder, which is why the eventual settlement had to obtain a resignation rather than impose one, and why it took thirty-nine years to get one from a man willing to give it.

Reading the floor against the framework

The finding. This sequence has repeatedly found authority resting on a floor of force and doctrine making the force cheap. This case supplies the limiting instance in which force is not merely insufficient but **counterproductive**.

Where the disputed object is an authority whose value is its non-seizability, victory by force forfeits the prize. That produces a structural signature worth carrying: such disputes will be conducted by armies over *territory and revenue* and by lawyers and theologians over *the question itself*, with the two proceeding in parallel and almost independently for as long as the dispute lasts.

That is exactly the shape of 1378–1414: forty years of campaigning in Italy that decided nothing about the papacy, alongside forty years of university consultations, embassies and treatises that had no army behind them.

And the second finding, on removal. Force could not install and could not remove. The whole thirty-nine years is a demonstration that an unjudgeable office can be vacated only by its holder's own act — which means **the only lever available against such an office is one that operates on the holder's will**, and that is why the century's diplomacy consists almost entirely of attempts to obtain resignations, and why the successful settlement, when it came, was built around one man consenting to go.

A note on sources.

Robert of Geneva's command at Cesena in February 1377, the admission of Hawkwood's and the Breton companies, and the massacre are standard; the casualty figures reported in the sources range widely and none is adopted here. His election as Clement VII at Fondi on 20 September 1378 and his age are standard.

Urban VI's creation of twenty-nine cardinals, the battle of Marino in 1379, Clement's withdrawal to Naples and then Avignon in 1379, the Neapolitan wars, Urban's quarrel with Charles of Durazzo and the siege of Nocera, and the arrest, torture and killing of cardinals in 1385, are as reported in the standard accounts; the number of cardinals arrested is given as six and the number killed as five in the usual accounts, and both are reported here as such.

The French siege of Benedict XIII in the palace at Avignon from 1398 and his confinement for about four years are standard, as are his retreat to Peñíscola, his deposition by the Council of Constance in July 1417, his persistence in the claim until his death in 1423, and the election of a successor by the cardinals he had created.

The argument that seizing an office whose value is its non-seizability forfeits the prize, and the consequent prediction that such disputes proceed on two independent tracks, are this study's.

MODULE 2

TWO PROVISIONS TO ONE BENEFICE

Module 2 · the settlement — what actually broke when the apex forked, what did not break at all, and why the difference between them is the measure of an institution's exposure

What did not break

Start with the thing that kept working, because it is the more surprising half and it governs the whole assessment.

The sacraments were unaffected.

A priest of the Roman obedience and a priest of the Avignon obedience were both validly ordained — by bishops validly consecrated, in a chain nobody disputed. The theology of the period held that a sacrament's validity does not depend on the worthiness or the jurisdiction of the minister in the ordinary case; the mass was the mass, baptism was baptism, and the ordinary religious life of a parish in Poitou and a parish in Kent proceeded exactly as before.

That is an enormous fact and it is why the schism did not produce a general collapse. **For most Christians most of the time, nothing happened.** They went to their own church, heard their own priest, and were baptised, married and buried by a man whose orders no one questioned.

The Investiture study established that Latin ordination is an **institutional** credential, conferred by an office, and therefore capturable — which was the whole reason for that war. This case reveals the other face of the same property. **An institutional credential, once conferred, does not depend on the apex continuing to function**, because the imprint is in the man and the chain is already made. The papacy could fork completely and every priest in Europe remained a priest.

What broke

And now the list of what did fail, which is precisely the list of functions requiring a **single addressee**.

Provision to benefices. Both popes provided to the same vacancies. A canonry, an abbacy, a bishopric could have two claimants each holding a valid-looking bull from a valid-looking pope, and no forum in which to determine which. Litigation over benefices, already the largest category of business in the church courts, became unresolvable at the top.

Appeals. The whole appellate structure of Latin Christendom terminated at Rome. With two Romes, an appeal was an appeal to whichever pope your prince obeyed, and its outcome had no standing in the other obedience.

Dispensations. A marriage dispensed within the prohibited degrees by one pope was, in the other obedience, no marriage — with consequences for the legitimacy of children and therefore for inheritance.

Excommunication. Each pope excommunicated the other and his adherents, which meant every Christian in Europe was excommunicate in one obedience and in good standing in the other. The sanction that had brought an emperor barefoot to Canossa became, within a year, a thing everybody was under and nobody noticed.

And the office of judge of last resort simply ceased to exist, which is the whole of it.

The measure of exposure

Set the two lists side by side and a general proposition falls out, and it is the module's finding.

An institution's exposure to a crisis at its apex is proportional to how much of what it does requires a single decision-maker — and not at all proportional to its size, its wealth or its centrality to people's lives.

The medieval church was enormous, rich and woven into every hour of ordinary existence, and the part of it that touched ordinary existence was almost entirely untouched by a total failure at the top. The part that failed was the part that allocates: offices, incomes, jurisdictions, permissions, and the resolution of disputes about them.

Which is to say: **the schism broke the church's functions as a property system and left its functions as a sacramental system intact**, and that is the reason it could last thirty-nine years without the institution dissolving.

The corollary is uncomfortable for the institution and is entirely visible in the record of the period. The people who screamed about the schism were the people with benefices to litigate, appeals to prosecute and dispensations to obtain — which is to say the clerical and noble classes. The people who did not scream were the parishioners, whose religion continued.

Who got what

Distribution during the schism ran along the obedience line and enriched the same parties on both sides.

Kings got the largest share, and this is the item with the longest consequences. A pope who needs a kingdom's obedience will not fight it over appointments. Both lines conceded steadily to the crowns that supported them — in France by concordat and practice, in England through the operation of Provisors and Praemunire under a crown whose obedience was never in doubt but whose cooperation had a price, in Castile and Aragon by negotiation.

The universities rose in standing, for reasons the module on formation will develop: with two popes and no judge, the only bodies with the competence and the corporate standing to give an opinion on the question were the theology faculties, and they were consulted continuously for forty years.

And the cardinals, on both sides, got what a college gets when its candidate needs it: creations, revenues and the practical veto that comes from being the body whose adherence constitutes an obedience.

Reading the settlement against the framework

The finding. This sequence has asked, of every case, where the credential lives and who can capture it. This case asks a different question and answers it: **what happens to a credential when the office that ultimately backs it stops being identifiable.**

The answer is: **nothing, if the credential is conferred once and permanently on a person; everything, if it must be renewed, allocated or adjudicated.** Ordination survived a total apex failure without a scratch. Provision to a benefice did not survive at all.

That is a genuinely useful discriminator and it applies well beyond this case. **An institution should be scored not on how centralised it is but on what proportion of its output is a permanent conferral versus a repeated allocation** — because the first is robust to an apex crisis and the second is not, and an institution that has

converted most of its business into repeated allocation has made itself maximally fragile at precisely the point it has made itself maximally powerful.

The Gregorian reform did exactly that. It converted the papacy from an office of occasional appeal into the permanent allocator of the western church's offices and incomes, and in doing so it multiplied both its power and its exposure by the same factor.

And the second finding, on who feels a legitimacy crisis. The costs fell almost entirely on the classes whose position depended on the apex allocating correctly — beneficed clergy, litigants, dispensation-seekers, and the princes who traded in all three. The cultivating majority experienced the greatest constitutional crisis in the history of the western church as no change whatever in their religious lives.

A crisis of legitimacy at the apex is felt in proportion to a person's dependence on the apex's allocations, which means it is felt almost exclusively by the people who were doing well out of them.

A note on sources.

The doctrine that the validity of a sacrament does not depend on the minister's worthiness, and its consequence that clergy of both obediences conferred valid sacraments, is standard and is not disputed by any party in the period.

Double provision to benefices, the failure of the appellate structure, the problem of dispensations, and mutual excommunication of the two obediences are standard features of the period and are described in the general literature on the schism; no individual case is relied on here.

The English statutes of Provisors and Praemunire and their operation, the practical concessions of both papal lines to the crowns of their obediences, and the elevated consultative role of the universities are standard. No figures are given for benefice litigation, papal revenue, or the number of contested provisions, because the surviving material does not support them.

The proposition that an institution's exposure to an apex crisis is proportional to the share of its output that consists of repeated allocations rather than permanent conferrals is this study's, and is offered to be tested against other cases.

MODULE 3

BOTH WERE VICAR OF CHRIST

Module 3 · the robe — one title claimed twice, an argument nobody could win because both sides were right about something, and the discovery that a source of title cannot certify itself

The claim, doubled

Each of the two men held the same style, and neither hedged.

Servus servorum Dei. Episcopus Romanus. Successor Petri. Vicarius Christi. Each issued bulls, created cardinals, provided to benefices, granted dispensations, proclaimed jubilees, canonised, and excommunicated the other and all his adherents. Each maintained that the other was not merely mistaken but a schismatic and a heretic, outside the Church, and that obedience to him imperilled the soul.

Both claims were of exactly the same kind, made in exactly the same vocabulary, resting on exactly the same theology. That is what distinguishes this case from every other in this sequence. A caliph and a sultan claimed different things; a pope and an emperor claimed different things; Akbar and his *'ulamā'* claimed different things. Here two men claimed the identical thing and there was one of it.

Why neither argument closed

The dispute had a genuine legal question at its centre and the question had no procedure attached to it.

The Urbanist case. Sixteen cardinals elected Prignano. They then treated him as pope: attended his coronation, took favours from him, asked him to confirm acts. Men do not petition a man they believe is not pope. The declaration of nullity came four months later, after the elected man had proved impossible to work with, and its timing is its refutation. Duress, if real, was a defect known on the day; a defect first alleged in August about an act in April looks like a remedy sought for a different grievance.

The Clementist case. The mob was in the palace. The tocsin was rung. The guardian of the conclave told them resistance would be dangerous. They elected a non-cardinal in one of the shortest conclaves on record and then had to disguise

another man in papal robes to get out of the building. Canon law voided acts done from grave fear. And subsequent conduct under continuing duress — they were in Rome, surrounded — proves nothing about consent.

Both of those are serious arguments and this study takes no position between them, as none can be taken that is not simply a choice.

What matters structurally is the absence underneath them. **There was no forum.** The pope judges everyone and is judged by none; the cardinals were the parties; a general council was, on the doctrine then dominant, convened by the pope and therefore presupposed the answer. The question of who was pope was the one question the papal constitution had made unanswerable.

How allegiance was actually decided

So it was decided by something else, and the map of that something else is the module's most useful evidence.

Avignon: France, Aragon, Castile and León, Scotland, Naples, Savoy, Cyprus, and — later — the Welsh rising under Owain Glyndŵr.

Rome: England, the Empire, Hungary, Poland, Portugal, Denmark, Norway, Sweden, Flanders, Venice and most of northern Italy.

Lay the two lists over the political map of 1380 and there is nothing to explain. **France is at Avignon and England is at Rome, and everyone else is aligned by their relation to that axis.** Scotland is with France because it is at war with England. Portugal is with Rome because it is at war with Castile. Flanders is with Rome because its towns are against the French crown. Glyndŵr is with Avignon because he is against the English king.

Not one of those alignments involves a judgement about the events of April 1378.

Where a question of legitimacy cannot be adjudicated, it will be answered by the enmity structure that already exists — and the answer will be almost perfectly predicted by the enmity structure, because a proposition that cannot be tested imposes no cost on believing whatever is convenient.

That is the mechanism the Investiture study named from a distance and this case shows at full scale. Two answers to one question do not produce a market in which the good is bid up. They produce a **relocation**: the existing conflict acquires a new register in which to be fought, and everybody's position in the new register is already determined by their position in the old one.

What the doubling did to the instrument

And now the thing this case reveals that none of the others could, because none of the others had a fork.

An authorisation is worth having because the beneficiary could not have produced it. That is the sequence's central finding, established in four cases. It carries a hidden assumption which nobody had to notice until 1378: **that there is exactly one issuer.**

When there are two, the property survives — Charles V of France still could not have written Clement VII's bull — and the *product* does not. Because now a beneficiary can shop. A king who wants a dispensation his own pope will not give applies to the other one. A claimant refused at Rome is provided at Avignon. Nothing has been forged; both bulls are genuine; and the instrument has become worthless anyway, because **an authorisation is a statement that something is uniquely so, and a statement available from two independent sources is not a statement about the world but a statement about which source you asked.**

The unforgeability of an authorisation does not survive the multiplication of authorisers, and that is a different failure from the ones this sequence has previously catalogued. It is not capture, not compulsion, not defunding, not the hollowing of a mutual arrangement. It is a fork, and its distinctive property is that it destroys the instrument's value **without any party doing anything wrong** — every bull genuine, every consecration valid, every claimant sincere.

Reading the robe against the framework

The finding. A source of title cannot certify its own occupancy.

That is the specification's shadow and it has been implicit in every case in this sequence without being visible. The Abbasid caliphate had a rule of descent and was never seriously forked. The Sakya credential lived in a family, which is self-identifying. Joan's claim was singular by construction. Only here does a source of title face a dispute about *itself*, and the discovery is that **the property of being unjudgeable, which makes its rulings terminal, leaves it with no procedure for the one ruling it cannot delegate.**

State it generally, because it applies to every such institution: **an authority constituted so that no one may judge it must therefore locate the question of its own occupancy outside its own procedures — in descent, in election by a fixed and identifiable body, in a physical object, or in some other rule that is self-executing — because it cannot adjudicate that question itself, and if the**

external rule fails, nothing internal can substitute.

The papacy's rule was election by the cardinals. In 1378 that rule failed — not because the cardinals could not act but because they acted twice and disputed the first act's validity. And once the self-executing rule had failed, the institution had nothing to fall back on, because everything else it had was designed on the assumption that the question was already settled.

And the second finding, which is what a fork does to belief. The Investiture study proposed that a second author is a defect rather than a market. This case measures the defect.

Multiplying authorisers does not divide an instrument's value; it eliminates it, because the product was never the endorsement but the uniqueness of the endorsement. And the elimination happens instantly, requires no bad faith, and cannot be repaired by either party behaving better — which is why the schism produced neither a winner nor a reformation of conduct, but forty years of increasingly desperate procedural improvisation, which is the subject of the modules that follow.

A note on sources.

The titles claimed by both lines, their parallel exercise of the papal powers, and their mutual excommunications are standard.

The arguments for and against the validity of the April 1378 election are set out in the Landscape with their sources; this study takes no position between them and the summary here reflects the standard historiographical statement of each.

The obedience map — Avignon: France, Aragon, Castile and León, Scotland, Naples, Savoy, Cyprus and Glyndŵr's rising; Rome: England, the Empire, Hungary, Poland, Portugal, Denmark, Norway, Sweden, Flanders, Venice and most northern Italian states — follows the standard accounts, with the caveat that individual allegiances shifted during the period and that the map is accurate as a general picture until the Council of Pisa in 1409 created a third line.

That allegiance tracked political alignment rather than theological analysis is the standard scholarly account and is also the position of the earlier study of this case in this project.

The propositions that an authorisation's value depends on the uniqueness of the issuer rather than on the endorsement itself, and that an unjudgeable authority must locate the question of its own occupancy in a self-executing external rule, are this study's.

MODULE 4

TWO SAINTS ON OPPOSITE SIDES

Module 4 · formation — a question holiness could not answer, an interpretive class that could not choose and therefore invented a third authority above both, and the reason it could do that where the 'ulamā' could not

Holiness did not adjudicate

The most instructive fact about the schism's effect on religious life is a pairing that ought to have been impossible.

Catherine of Siena supported Urban VI. She had campaigned for years for the papacy's return from Avignon, she wrote to Urban urging moderation and to his opponents demanding submission, and she died in Rome in 1380 exhausted by the effort. She was canonised in 1461.

Vincent Ferrer supported Clement VII and then Benedict XIII. He was Benedict's confessor and apostolic penitentiary, he preached the Avignon obedience across Spain, France and Italy for two decades, and he was one of the greatest popular preachers of the age. He was canonised in 1455.

Two saints of the Roman Catholic Church, contemporaries, on opposite sides of the question of who was the Roman Catholic Church's head.

That fact settles something the framework needs. Personal sanctity is the strongest form of the credential the Joan study identified — authority resting on a direct relation to God, held by a person with nothing to gain — and it is the resource a divided church would most naturally reach for.

It could not adjudicate, because it was present on both sides. Vincent Ferrer eventually abandoned Benedict XIII in 1416, and his withdrawal was politically decisive in bringing Aragon to Constance. But he did it after thirty-eight years, on grounds of Benedict's obstinacy rather than of the original election, and by then the question was being settled elsewhere by other means.

A form of authority that can appear on both sides of a dispute cannot resolve it, however great its force on either side individually — and holiness, being personal and unverifiable and available to anyone, is precisely such a form.

What formation continued to do

Beneath the crisis, the ordinary machinery ran.

Children were catechised in the parish. Sermons were preached, feasts kept, confraternities maintained, pilgrimages made. The mendicant orders — themselves split into obediences, with rival provincials and rival generals — went on preaching. The devotional literature of the period, the *devotio moderna*, the flowering of vernacular piety, all of it belongs to exactly these decades and shows no sign of a religion in collapse.

That continuity is not evidence that people did not care. It is evidence of the structural point Module 2 established: **formation is a permanent conferral, not a repeated allocation, and it therefore ran on through a total failure at the apex.**

But it had a consequence the apex would not have chosen. **Forty years of ordinary religious life proceeding perfectly well without a securely identifiable pope is forty years of evidence that a securely identifiable pope is not necessary for ordinary religious life.** Nobody set out to teach that lesson. It taught itself, to everybody, continuously, for a generation and a half.

The class that could not choose

Which brings the module to the parties who could not simply carry on, because their business was precisely the question: **the universities.**

The theology faculties, and above all Paris, were the only bodies in Latin Christendom with the competence, the corporate standing and the independence to give an opinion on the validity of a papal election. They were consulted, formally and repeatedly, for forty years.

And what they produced, over that period, is the most consequential body of political thought the European Middle Ages generated.

In the early 1380s **Conrad of Gelnhausen** and **Henry of Langenstein** — both Paris masters — argued that in a case of necessity a general council could be assembled without a papal summons, and that its authority derived from the church as a whole rather than from the pope. That proposition, in 1380, was a novelty. By the 1400s, in the hands of **Pierre d'Ailly**, **Jean Gerson** and the canonist **Francesco Zabarella**, it had become a developed constitutional doctrine with a canonical apparatus: the church is a corporation; ultimate authority resides in the whole body; the pope is its principal officer and not its owner; and in a case where the head fails, the body may act.

The university formalised three routes and the terms became the vocabulary of European diplomacy for thirty years.

Via cessionis — both claimants resign and a fresh election is held. **Via compromissi** — both submit to arbitration by an agreed panel. **Via concilii** — a general council determines the matter.

In 1394 Paris solicited written opinions on the schism from across the university and beyond, and reported to the crown in favour of the first route. In 1398 France formally **subtracted its obedience** from Benedict XIII — neither recognising Rome nor obeying Avignon, but suspending the relation altogether — and maintained the subtraction for five years.

That is an instrument nobody had before, and it is worth naming: not choosing between two authorities, but declining to be governed by either while continuing to be a Christian kingdom. Its existence proved that the apex could be bypassed, which was a discovery with a long future.

Why the interpretive class could do this

Now the comparison that makes this module worth the sequence, and it pays off a finding from two earlier studies.

The Seljuk and Mughal studies established that the Islamic interpretive class was licensed **personally** — one named master to one named student, on no formal criteria, by a man nobody could compel — and drew the conclusion that such a class can be neither captured nor **committed**: seven scholars signing at Fatehpur Sikri bound nobody in Jaunpur, and no Islamic polity ever produced a Concordat of Worms, because there was nobody with standing to sign one.

The Investiture study established that the Latin credential was **institutional** — conferred by an office, in a hierarchy — and drew the conclusion that it was therefore capturable, and worth a fifty-year war.

This case reveals the third consequence of the same property, and it is the one that matters most.

An institutional credential permits a corporate remedy. Because ordination came from an office in a structure, the men who held it constituted a *body* — with orders of precedence, with a recognised membership, with faculties and chapters and provinces that could deliberate and vote and act as one. And a body can convene. A body can depose. A body can elect.

That is what happened in 1414–18 and it is not available to a class licensed person to person. There is no Islamic equivalent of the Council of Constance and there could

not be, because there is no procedure by which the *'ulamā'* of the world assemble, no roll of members, no majority, and no act that binds those absent.

Where an interpretive class is institutionally credentialled, it can act corporately in an emergency at its apex; where it is personally credentialled, it cannot — which means the first is exposed to capture and capable of self-repair, and the second is immune to capture and incapable of it.

That is the full statement of the property, and it took five studies to assemble.

Reading formation against the framework

The first finding. Personal sanctity, the strongest form of the credential the preceding study identified, cannot resolve a dispute in which it appears on both sides — and being unverifiable and available to anyone, it will appear on both sides of any dispute that lasts. Catherine of Siena and Vincent Ferrer are both saints and they were on opposite sides of the same question for decades.

A credential that cannot be counterfeited also cannot be counted, and a resource that cannot be counted cannot settle a contest between two claimants who each possess some of it.

The second finding, which is the sequence's payoff. An institutional credential produces a body, and a body can repair its own head. That capacity is the exact mirror of its vulnerability: the same feature that let Henry IV fight for control of episcopal appointments let the bishops of Europe assemble at Constance and depose a pope.

Capturability and corporate self-repair are the same property seen from opposite ends, and any institution that has one has the other. A ruler choosing between clergies — as Kublai did — is therefore choosing not only whether he can capture them but whether they can save themselves without him.

And the third, on what forty years of normality taught. The apex failed completely and parish religion did not change. Nobody intended that demonstration and everybody witnessed it, and the doctrine that emerged from the universities in those decades — that authority resides in the whole body and the pope is its officer — is what a class of thoughtful men concludes after watching that happen for a generation.

A legitimating apex that is shown to be dispensable in ordinary operation will have its indispensability doubted in constitutional theory, and the doubt will be formulated by the interpretive class rather than by the population, because only the interpretive class has both the evidence and the vocabulary.

A note on sources.

Catherine of Siena's support for Urban VI, her death at Rome in 1380 and her canonisation in 1461, and Vincent Ferrer's service to Clement VII and Benedict XIII as confessor and apostolic penitentiary, his preaching of the Avignon obedience, his withdrawal of support from Benedict in 1416 and his canonisation in 1455, are standard.

The continuity of ordinary religious life through the schism, the split of the mendicant orders into rival obediences, and the *devotio moderna* are standard.

The conciliarist arguments of Conrad of Gelnhausen and Henry of Langenstein in the early 1380s, and their development by Pierre d'Ailly, Jean Gerson and Francesco Zabarella, are standard. The three *viae* — *cessionis*, *compromissi*, *concilii* — are the contemporary terms. The University of Paris's consultation of 1394 and its recommendation of the *via cessionis*, and the French subtraction of obedience from Benedict XIII in 1398 maintained for about five years, are standard; no figure is given here for the number of opinions collected in 1394, as the reported figures vary.

The comparison with the personally credentialled Islamic interpretive class draws on the Seljuk and Mughal studies in this sequence, where the material is documented; the proposition that capturability and corporate self-repair are the same property is this study's, and completes an argument begun in the Investiture study.

MODULE 5

EACH OBEDIENCE PAID IN FULL

Module 5 · the cost column — two complete curias funded from half a Christendom each, and the bill that was still being presented in 1517

The arithmetic

The schism's fiscal shape can be stated in one sentence and the sentence contains the whole of its long consequence.

Each pope had to run a complete papal administration, and each had roughly half the payers.

A curia is not a thing that halves. Both lines needed a chancery to issue bulls, a camera to collect and account, a penitentiary to handle reserved cases, a Rota to hear appeals, a college of cardinals with incomes appropriate to their rank, a household, legates, nuncios, collectors in every province, and — this being the fourteenth century — soldiers. The Avignon establishment already existed and continued; Urban had to build one from very little in a Rome that had been without a papal court for seventy years.

So the fixed costs approximately doubled and the revenue base halved, which means **the rate of extraction on each obedience had to rise by a factor of about four to keep both administrations at their pre-schism standard** — and neither ever reached it.

Where the money came from

The instruments were the ones the Avignon papacy had perfected and both lines pressed them harder.

Annates — the first year's revenue of a benefice, payable on provision. **Common services** — the tax paid by bishops and abbots on appointment, assessed on the see's value. **Spoils and vacancies** — the goods of a deceased prelate and the fruits of a see between incumbents. **Procurations**, **subsidies**, and the whole apparatus of **reservations**, by which the pope reserved to his own provision an ever-widening class

of benefices and thereby brought the annates and services on them into his own hands.

Each of those instruments generates the same complaint from the payers and the complaint is the same in every obedience: **that the money leaves the country, that the appointments are sold, and that the sale is dressed as a spiritual act.**

The schism did not invent those grievances. The Avignon papacy had already made them universal. **What the schism did was double them and remove the answer**, because the standing reply to a complaint about papal taxation had always been that the universal church has universal expenses — and that reply is unavailable when the payer can see two universal churches, each claiming the whole, each taxing him for a war against the other.

The war expenditure

And a large part of it went on fighting.

Clement VII's campaign to take Rome in 1379 was financed from Avignon. Urban's Neapolitan wars were financed from the Roman obedience. The Breton and Gascon companies were paid. Both lines subsidised allies and bought adherences: Naples, the Italian signori, and — repeatedly — the crowns whose obedience was in doubt.

A very large proportion of the church's revenue in these decades was spent by Christians on killing Christians in a dispute about which Christian was the head of the Church. That sentence would have been recognised as accurate by every party at the time, and it is the substance of what the reforming literature of the period says.

The cost to the individual conscience

The other side of the cost column is the one the excerpt that prompted this study named, and it is real and unquantifiable.

A man in Aragon in 1400 could not know whose absolution bound. If Benedict was not pope, then Benedict's bishops were not bishops, and their dispensations were void, and marriages contracted under them were not marriages, and the children of those marriages were not legitimate, and the wills they had witnessed and the oaths they had released and the penances they had commuted were all suspended over an unanswerable question.

Most people did not think about it, and the doctrine that a sacrament's validity does not turn on the minister's jurisdiction covered the ordinary cases. **But the doctrine did not cover the cases that required jurisdiction**, and for those there was no answer, and

thoughtful people knew there was no answer.

Gerson and the Paris masters wrote about the position of the conscientious layman at length and their answer amounted to this: follow your prince's obedience in good faith and God will not condemn you for a question the church itself cannot settle.

That is a defensible pastoral answer and it is also a statement that the church's own certification is not necessary for salvation, which is a very large thing to have said out loud, in print, by the chancellor of the University of Paris.

What it cost the institution

Which yields the module's central entry, and it does not appear in any account book.

The schism ran from 1378 to 1417. The Council of Basel's collapse and the papal recovery ran to 1449. **Luther posted his theses in 1517, and their subject was the sale of indulgences — that is, the sale of a spiritual instrument for money by a papacy whose fiscal machinery had been built to fund exactly this kind of emergency and never afterwards dismantled.**

The connection is not that the schism caused the Reformation; the causes of 1517 are many and this study will not oversimplify them. The connection is narrower and better supported. **The fiscal instruments that became the standing grievance of northern Europe were intensified during the schism to fund two administrations, and they were not relaxed afterwards, because the restored papacy inherited the machinery along with the debts.**

An emergency doubling of extraction becomes a permanent baseline, because the apparatus built to collect it acquires its own constituency and its own obligations, and no one dismantles a revenue system on the grounds that the emergency has passed.

Reading the cost column against the framework

The finding. This sequence has priced legitimating instruments repeatedly. This case prices something different: **the cost of an instrument that has failed and cannot be abandoned.**

Neither obedience could economise. Neither could reduce its curia, because a curia is what makes a claimant a pope, and a claimant who visibly cannot administer has conceded. Neither could stop taxing, because the other was taxing. Neither could stop fighting, because withdrawal would be read as submission.

A forked authority has no option to retrench, because every economy is legible to the other side as a concession — which means the costs of a legitimacy fork rise

monotonically for as long as it lasts and can only be ended by a settlement, never by exhaustion.

That is a specific and testable claim about this class of dispute, and it explains the peculiar fact that thirty-nine years of ruinous double expenditure produced no drift toward resolution. Exhaustion does not end a fork. Only a procedure does.

And the second, on where the bill lands. The payers were the beneficed clergy of Europe and, through them, the tenants of ecclesiastical estates and the faithful who paid the fees. **They had no part in the dispute, no means of influencing it, and no ability to withhold** — except in the one form the French crown invented in 1398 and which is the subject of a later module.

A note on sources.

The structure of papal revenue in this period — annates, common services, spoils, fruits of vacancies, procurations, subsidies, and the expansion of reservations — is standard, as is its development under the Avignon papacy before 1378. **No figures are given here for the revenue of either obedience, for the cost of either curia, or for the proportion spent on war, because the surviving accounts do not support reliable totals and the two administrations kept incompatible records.** The doubling of fixed costs against a halved base is an inference from the structure and is stated as an inference.

Clement VII's Roman campaign of 1379, Urban VI's Neapolitan wars, and the employment of the Breton and Gascon companies are treated in Module 1 with their sources.

The doctrine on sacramental validity and its limits, and the resulting uncertainty in matters requiring jurisdiction, are treated in Module 2. Jean Gerson's writings on the position of the conscientious layman under the schism are standard and are paraphrased rather than quoted, no verified text having been consulted for this study.

Luther's theses of 1517 and their subject are standard. **This study makes no claim that the schism caused the Reformation**; the claim advanced is narrower and is stated in the text — that the fiscal instruments intensified during the schism were not subsequently relaxed. The causes of the sixteenth-century crisis are contested across a very large literature and no position is taken.

The proposition that a forked authority cannot retrench because every economy is legible as a concession is this study's.

MODULE 6

THE SUBTRACTION OF OBEDIENCE

Module 6 · extraction — an instrument invented in 1398 that did not choose between the two popes but suspended the relation with both, and what its inventors discovered they had built

The invention

In July 1398 an assembly of the French clergy, convened by Charles VI and prepared by the University of Paris, voted to withdraw obedience from Benedict XIII.

It did not transfer obedience to Rome. France did not recognise Boniface IX. It withdrew — declared that the kingdom would not obey the Avignon claimant, would not remit revenues to him, would not accept his provisions or his appeals, and would govern its own church in the interval.

Royal troops besieged the palace at Avignon. Benedict was confined there for about four years and most of his cardinals abandoned him. The subtraction lasted until 1403, when a meeting of French lay and ecclesiastical princes restored relations — and was applied again, in modified form, when France declared its neutrality between the obediences in 1408 before Pisa.

That is a new instrument in European politics and its properties should be set out carefully because they are not the properties of taking a side.

What it actually did

It kept the money at home. The immediate fiscal effect of subtraction was that annates, services and the rest stopped leaving the kingdom. That is the reason a crown supports such a measure and it should not be softened; the University supplied the doctrine and the treasury enjoyed the result.

It transferred the appointment power to the local church and the crown. With no pope to provide, benefices fell to be filled by election in the chapters, under the crown's eye — which is precisely the arrangement Charles VII would enact by statute forty years later in the Pragmatic Sanction of Bourges, drawing on the decrees of the

Council of Basel. The line from 1398 to 1438 to the Gallican liberties of the *ancien régime* is direct.

And it demonstrated that the apex was severable. A kingdom could function, its churches could be filled, its courts could sit, its faithful could be baptised and buried, with no relation to any pope at all. For five years France proved it.

The instrument nobody could put back

Which is the module's finding and it is the most consequential thing in this study for what came after.

The subtraction of obedience was devised as **pressure**: a temporary measure to force a resignation, to be lifted when the schism ended. Its authors were not schismatics; Gerson and d'Ailly were among the most committed churchmen of their age and they intended to restore the church's unity, not to dismantle its authority.

But an instrument once used is a demonstrated capability, and this collection has met that proposition before. The Joan study found that a laity instructed to refuse an unworthy priest's mass acquired a competence that could not afterwards be withdrawn. The same shape appears here at the level of kingdoms.

A crown that has once withheld obedience from Rome, kept the revenue, filled the benefices and suffered nothing, knows for the rest of its existence that it can do so again — and every subsequent negotiation with the papacy is conducted in the shadow of that knowledge.

The evidence that this was understood is the entire history of the following century and a half. France in 1438. The German princes at Mainz in 1439. Every concordat the restored papacy negotiated after Constance, in which it conceded appointment powers to crowns that had learned they could take them. And in 1534 an English king did permanently what a French king had done for five years in 1398, using the same machinery of parliamentary statute and clerical assembly, to the same fiscal effect.

The schism did not create the national churches of Europe. It taught the crowns of Europe that a national church was operable, and the lesson was learned by everybody who watched.

Who actually paid, during and after

The extraction question proper has a short answer and it is the same in every obedience and in every subtraction.

The tenants of ecclesiastical estates and the payers of fees paid throughout. Whether the annates went to Avignon, to Rome, or into the French royal treasury, they came from the same benefices, and the benefices came from the same land, worked by the same people, who were not consulted about which of the three destinations was correct.

The subtraction of obedience changed the recipient. It did not change the collection, and there is no evidence it reduced it.

A dispute about who is entitled to a revenue is not a dispute the payer has any stake in, and this collection has found that shape repeatedly. What is unusual here is only that the dispute was conducted in the language of the church's liberty, which made it sound like a question about freedom and made it easy to miss that the freedom in question was the crown's.

Reading extraction against the framework

The first finding. The subtraction of obedience is a new item for the collection's inventory and deserves a name of its own: **suspension**, as distinct from defection.

Defection means transferring allegiance to a rival authority, which requires a rival and confirms that some authority is necessary. **Suspension means declining to be governed by any of the claimants while continuing to operate**, and it confirms the opposite — that the function can be performed locally.

Suspension is available only where the apex's role is allocative rather than constitutive, which is why it worked here. France could suspend because what the pope did for the French church was provide, tax and adjudicate, and all three could be done at home. It could not have suspended ordination, because ordination is constitutive and a bishop cannot make himself.

That gives a diagnostic worth carrying: **the more of an institution's business consists of allocation, the more it is vulnerable to suspension by the units it allocates to** — which is the same exposure Module 2 identified from a different direction, arriving at a different failure.

And the second finding, on demonstrated capabilities. The measure was intended as temporary pressure and it functioned as a permanent education.

An emergency measure that works teaches its user a capability, and a capability is not revocable in the way a permission is. France's obedience was restored in 1403 and the knowledge was not. Every crown in Europe now possessed a proven method for keeping its ecclesiastical revenue and filling its own benefices, and the only thing standing between them and its permanent use was their continued desire for the pope's cooperation on other matters — which is a very different foundation for an institution

than the one it had in 1370.

A note on sources.

The French subtraction of obedience of July 1398, its preparation by the University of Paris, the assembly of the French clergy, the siege and confinement of Benedict XIII at Avignon for about four years, the desertion of most of his cardinals, the restoration of obedience in 1403, and the declaration of neutrality in 1408, are standard.

The Pragmatic Sanction of Bourges of 7 July 1438 and its adoption of Basel's decrees on elections and annates is treated in the study of Charles VII in this sequence, with its sources; the Mainz acceptance of 1439 is standard. The English legislation of the 1530s is standard and is referred to here only as an instance of the same machinery, with no claim of direct causation.

The composition of papal revenue and its ultimate incidence on ecclesiastical estates is treated in Module 5. No figures are given for the amounts retained in France during the subtraction, because the surviving material does not support them.

The distinction between defection and suspension, and the proposition that suspension is available in proportion to the allocative share of an institution's business, are this study's.

MODULE 7

THE UNIVERSITIES WERE ASKED

Module 7 · information and suppression — a question referred for forty years to the only bodies competent to answer it, two archives that agree on the facts and not on their meaning, and a council that burned a man for saying what the council was doing

Where the question went

With no court competent to decide, the question went where such questions go when there is no procedure: **to whoever could be persuaded to give an opinion.**

That turned out to be the universities, and the consultation was continuous for four decades. Paris above all, but also Oxford, Bologna, Prague, Vienna, Cologne, Toulouse, Salamanca — each of them a corporate body with a faculty of theology and a faculty of canon law, each capable of issuing a determination under its seal, and each attached to a prince who wanted one.

The opinions were solicited by crowns, published, circulated, refuted and re-issued. The literature they generated is the *magnum opus* of medieval political thought and it was produced as ammunition, exactly as the Investiture study found the canonical collections of the eleventh century were produced as ammunition.

The consultation is the schism's characteristic information act, and the fact that it went on for forty years without converging is the evidence that the question had no answer available in the sources.

The archives

Two bodies of record survive and their relation is unusual.

Each obedience kept a complete curial archive — registers of bulls, accounts of the camera, records of the Rota, the correspondence of legates and collectors. Both survive substantially, and the Avignon registers in particular are among the richest administrative archives of the medieval west.

And they do not disagree about the facts. Both record the conclave of April 1378. Both record the declaration of August. Both record the election of September. The events are not in dispute and never were.

What the two archives contain is **two complete administrations behaving as though the other did not exist** — each providing to the same benefices, each hearing appeals from the same provinces, each recording its own acts as the acts of the universal church. Read side by side they are not contradictory accounts of one world; they are congruent accounts of two.

That is a distinctive documentary condition and it produces a distinctive historian's problem: **there is no source-critical operation that will reconcile them, because neither is lying.** The framework's usual instrument — set the public words beside the private ones and let the gap speak — has nothing to work with, because there is no gap. Both curias meant it.

Where two authorities are sincere, the archive cannot adjudicate, and a study that expects the sources to settle a legitimacy question is looking for a kind of evidence that does not exist in this class of case.

What was suppressed

Almost nothing, for most of the period, and then a great deal, very suddenly, at the end.

Through the schism proper each obedience excommunicated the other and neither could enforce it beyond its own territory. Books circulated. Masters wrote. The conciliar doctrine developed in the open, at Paris, under a crown that found it useful, and nobody was burned for it.

Then came Constance, and the council that ended the schism by asserting the authority of the whole church over its head **burned a man for asserting the authority of the whole church over its head.**

Jan Hus came to Constance in 1414 under a safe-conduct from Sigismund. He was arrested, tried, refused to abjure propositions he denied holding, and was burned on **6 July 1415**. **Jerome of Prague** followed him on **30 May 1416**. The council also condemned the memory of **John Wyclif**, dead thirty years, and ordered his bones exhumed and burned.

The distance between Hus and Gerson is smaller than either would have wished. Both held that the church is the body of the faithful; both held that a pope may be judged; both held that obedience to a wicked prelate is not owed absolutely. Gerson was one of Hus's most determined prosecutors at Constance.

Why the council needed to burn him

The reason is structural and it is the module's hardest finding.

The council was doing something unprecedented and legally vulnerable: deposing popes on its own authority. Its doctrine — *Haec sancta*, in April 1415 — said that a general council holds its power immediately from Christ and that everyone including the pope is bound to obey it in matters of faith, the ending of the schism, and reform.

That proposition was, on its face, indistinguishable in kind from what the Bohemians were saying. **The council therefore had to demonstrate, unmistakably and in public, that conciliar authority was orthodox and not revolutionary** — that a council could correct a pope *and* burn a heretic, that its power ran downward as well as upward, and that the men exercising it were the guardians of the tradition rather than its enemies.

Hus was the demonstration. He was burned in the ninth month of the council's work, six weeks after it had deposed John XXIII and two days after Gregory XII's resignation was accepted.

An institution performing an unprecedented act against its own head will simultaneously perform a conspicuously orthodox act against a subordinate, because the second is what establishes that the first was not a revolution. That is a general mechanism and this case shows it with unusual clarity, because the two acts are eight weeks apart in the same room.

The cost was Bohemia. The Hussite wars ran from 1419 to the 1430s, five crusades were preached and defeated, and the council's own successor at Basel eventually had to negotiate with the people it had created.

Reading the seam against the framework

The first finding, on archives in a legitimacy fork. Two sincere administrations produce congruent records of incompatible worlds, and no source-critical method reconciles them. **The framework's information-asymmetry instrument requires an asymmetry — a public claim and a private fact — and a fork produces symmetry instead.** Where both parties believe their own case, the archive is evidence about the dispute's insolubility rather than about its resolution, and a study should say so rather than manufacture a gap.

The second finding, and it is the one to carry. A body that seizes an unprecedented power over its own head must immediately demonstrate that the power is conservative, and the demonstration will be made on somebody below.

The victims of a constitutional revolution at the apex are found among those who advocated the same principle from beneath it — because they are the available proof that the principle is dangerous in the wrong hands and therefore safe in the right ones. Hus and Gerson held propositions of the same family. One presided and one

burned, and the difference between them was not the content of the doctrine but which end of the institution they proposed to exercise it from.

That is a mechanism worth watching for wherever an institution repairs itself by an extraordinary act: **look for the heresy trial that runs alongside the constitutional one, and expect its defendant's arguments to resemble the reformers'.**

A note on sources.

The consultation of the universities on the schism, the corporate determinations issued under seal, and the volume of polemical and constitutional literature produced are standard. The universities named are those most prominent in the accounts; no individual determination is quoted here.

The survival of both obediences' curial registers, and the richness of the Avignon archive in particular, are standard.

Haec sancta synodus, session five, 15 April 1415, and its assertion that the council holds its power immediately from Christ in matters of faith, the ending of the schism and reform, is standard; the disputed status of the decrees passed before Gregory XII's convocation is treated in Module 8.

Jan Hus's arrival at Constance under Sigismund's safe-conduct in 1414, his arrest, trial and burning on 6 July 1415; Jerome of Prague's burning on 30 May 1416; and the condemnation of Wyclif with the order to exhume and burn his remains, are standard. Gerson's role among Hus's prosecutors is standard.

The deposition of John XXIII on 29 May 1415 and the acceptance of Gregory XII's resignation on 4 July 1415 are treated in Module 8; the proximity of those dates to Hus's execution is a fact of the calendar and the inference drawn from it is this study's.

The Hussite wars from 1419, the crusades against them, and the eventual negotiations at Basel are standard and are not examined here.

The propositions that a legitimacy fork produces symmetrical rather than asymmetrical archives, and that an institution performing an unprecedented act against its head will demonstrate orthodoxy on a subordinate, are this study's.

MODULE 8

TO CONVOKE AND NOT TO RECOGNISE

Module 8 · elite coordination and the default — a repair that failed because the repairers had no standing, a repair that worked because a claimant lent his authority to his own removal, and the emperor who supplied what neither council could supply itself

The problem, stated exactly

By 1408 everything obvious had been tried and had failed.

Via facti — settle it by arms. Attempted from 1379 and abandoned; Module 1 explains why it could not work.

Via cessionis — both resign. Proposed by Paris in 1394, pressed by France for twenty years, sworn to by Benedict XIII at his election and never performed. Gregory XII and Benedict XIII agreed to meet at Savona in 1407 and both balked. **Neither man would go first, because going first would be an admission and the other might not follow.**

Via compromissi — submit to arbitration. Never got past proposal, because arbitration requires the parties to accept a judge, and the whole difficulty was that no judge existed whom a pope could accept without conceding that a pope may be judged.

Via concilii — a general council determines the matter. And here the difficulty is the one this sequence has met in every case: **who convenes it?**

On the received doctrine, a general council is convoked by the pope. If it is convoked by one of the claimants, it presupposes that he is pope, which is the question. If it convokes itself, then it is a body that has constituted its own authority — and **a self-constituted body has exactly the defect of a self-authorising ruler**, which four previous studies in this sequence have established is fatal.

That is the whole problem of 1408, and Pisa is what happens when it is not solved.

Pisa, 1409: the repair that made it worse

In June 1408, at Livorno, thirteen Italian cardinals who had lost patience with Gregory XII joined the cardinals who had abandoned Benedict XIII. They summoned a council to Pisa. It opened on 25 March 1409, with twenty-four cardinals, numerous archbishops and bishops, doctors of theology and canon law, and legations from many secular governments, and France having declared neutrality the year before.

On 5 June 1409 it deposed both popes as schismatic, heretical, perjured and scandalous. On 26 June it elected Alexander V.

And produced three popes.

Neither Gregory nor Benedict accepted the deposition. Each held a council of his own — Benedict at Perpignan, Gregory at Cividale. Rupert of Germany, Hungary, Venice and Rimini stayed with Gregory; Aragon, Castile, Scotland and parts of France stayed with Benedict. The Pisan line, which most of Christendom did accept, passed on Alexander's death in 1410 to Baldassarre Cossa, who took the name John XXIII.

The failure is exact and it is the module's control case. **Pisa was convened by cardinals of both obediences — that is, by the parties.** It had no convener outside the dispute, no claimant's authority behind it, and no force to compel attendance or acceptance. Its deposition of two men who did not attend and did not accept was, canonically, an assertion by a body whose own standing was the thing at issue.

An attempted repair by a body without standing does not resolve a fork; it adds a tine.

Constance: what was different

Six years later the same operation succeeded, and it succeeded because two things were supplied that Pisa had lacked.

The first was force from outside the dispute.

Sigismund, King of the Romans, pressed John XXIII to convoke a council and pressed for Constance — an imperial city, on Sigismund's ground, not John's. Sigismund attended, presided in effect, kept the council in being when John fled in March 1415 hoping his absence would dissolve it, had John pursued and brought back, and travelled to Perpignan in person to attempt Benedict's resignation and to Paris and London on the council's business.

He was not a claimant. He wanted the schism ended and had no candidate. That is the party Pisa did not have, and it is the same function this sequence has found in every

successful repair: **a source of title cannot be produced by the parties to a dispute, and neither can the procedure that determines who holds it.**

The second was a claimant willing to lend his authority to his own removal, and this is the most elegant legal manoeuvre in the whole sequence.

To convoke and not to recognise

Gregory XII of the Roman line was ninety years old and was prepared to go. But he could not simply resign to the council, because resigning to it would recognise a body convoked by John XXIII — which would concede that John's line was the true one and that his own thirty-seven years had been a usurpation.

So the following was arranged. Gregory sent two envoys — his protector Carlo Malatesta, Lord of Rimini, and the Dominican cardinal Giovanni Dominici. Their commission was addressed **not to the general council assembled at Constance by John XXIII's authority**, but to the Emperor Sigismund, presiding over the bishops and prelates whom his zeal to restore peace to the church had brought together.

And their authority was, in the phrase the sources preserve, **to convoke as a general council — to convoke and not to recognise.**

Malatesta, on 4 July 1415, convoked the assembled fathers as a general council in Gregory's name, and then, by a second bull, resigned the papacy in Gregory's name to that council.

Read what that accomplishes. **Gregory created, by his own act, the body that would receive his resignation.** The council thereby acquired a convocation from a claimant, which cured its standing; the Roman line's legitimacy was preserved, since its pope had convoked and resigned rather than been deposed; and the succession ran through Gregory's act rather than around it.

He was confirmed as Cardinal Bishop of Porto and Legate of the Marches, and died at Recanati in October 1417, in his ninetieth year, a month before his successor was elected.

The repair required the man being removed to supply the authority for his own removal, and it is difficult to see how else it could have been done.

The rest of the operation

The remainder followed and each element addresses a coordination problem.

Voting by nations. By decree of 7 February 1415 the council changed its method: instead of each member voting in each session — which gave a permanent numerical majority to the Italians, of whom John XXIII had created a great many — voting was

by nation, with the Italian, German, French and English nations each casting one vote, and the Spanish joining in 1416. **The reform destroyed John's control of the assembly in a single afternoon**, and it did so by changing the unit of account rather than the membership.

John XXIII fled in March 1415, was brought back, and was deposed on 29 May 1415, on grounds of conduct and of invalid election.

Benedict XIII never came, never accepted, and was deposed in July 1417. He retired to Peñíscola and maintained his claim until he died in 1423.

Frequens, session 39, October 1417 — a month before the election — decreed that a general council should meet five years after Constance, seven years after that, and every ten years in perpetuity, and that a pope might shorten the interval but not lengthen it.

And on 11 November 1417 a conclave of twenty-three cardinals and thirty delegates — six from each nation — elected Oddone Colonna, who took the name Martin V. He was accepted by the whole church.

Reading the default against the framework

The finding, and it completes the sequence's account of how a broken source of title is repaired.

A self-constituted body cannot repair an authority whose value is that no party to the dispute can manufacture it, because a self-constituted body is exactly such a manufacture. Pisa demonstrated it: cardinals of both obediences, deposing two popes on their own authority, produced a third pope.

Constance succeeded because it obtained the two things a repair requires and neither of which the disputants can supply themselves:

A party outside the dispute with the force to convene and to hold the assembly in being. Sigismund is that party, and the whole thing collapses without him — John fled precisely in order to dissolve it, and Sigismund's insistence is the only reason it continued.

And a transmission of authority from inside the old line to the new procedure. Gregory's convocation is that transmission, and it is what distinguishes Constance's deposition of two claimants from Pisa's. Constance did not merely assert authority over the papacy; it received authority from a papacy and then exercised it.

State it generally: **a broken source of title is repaired by an outside enforcer plus an inside donor — and where either is missing, the repair produces a further claimant instead of a resolution.**

The second finding, and it is the case's sharpest irony. *Haec sancta*, the decree asserting that the council holds its power immediately from Christ and that even a pope must obey it, was passed on 15 April 1415 — in session five, **during the only period when the council had no valid convener at all.** John had fled and Gregory had not yet convoked. The decree claiming the council's independent authority was enacted in precisely the window in which the council had none, which is why its status has been disputed ever since and why Gregory's envoys were careful to convoke a body rather than recognise one.

A body asserting its own authority does so most emphatically at the moment it has least, because the assertion is what it has instead. That is a diagnostic and not a criticism: the strength of a claim to inherent authority is inversely related to the claimant's possession of a derived one.

A note on sources.

The three *viae* and their failures — the abandoned Savona meeting of 1407, Benedict XIII's oath of 1394 and its non-performance — are treated in Modules 1 and 4 with their sources.

The Livorno meeting of June 1408, the Council of Pisa opening 25 March 1409 with twenty-four cardinals and legations from many governments, the deposition of both claimants on 5 June 1409 as schismatic, heretical, perjured and scandalous, the election of Alexander V on 26 June 1409, the rival councils at Perpignan and Cividale, the adherences that remained with Gregory and Benedict, and the succession of John XXIII in 1410, are as reported in the standard accounts.

Sigismund's role, John XXIII's flight in March 1415 and his return, the decree of 7 February 1415 changing the voting method to voting by nations, John's deposition on 29 May 1415, and Benedict XIII's deposition in July 1417, are standard.

Gregory XII's commission to Carlo Malatesta and Giovanni Dominici, addressed to Sigismund rather than to the council convoked by John XXIII, and their authority "to convoke as a General Council — to convoke and not to recognise," followed by the convocation and the resignation in Gregory's name on 4 July 1415, are as reported in the standard accounts including the *Catholic Encyclopedia* article on the council; Gregory's confirmation as Cardinal Bishop of Porto and Legate of the Marches and his death at Recanati in October 1417 are standard.

Haec sancta synodus, session five, 15 April 1415, and *Frequens*, session 39, October 1417, with its schedule of five, seven and ten years and the provision that a pope may shorten but not lengthen the interval, are standard. The election of Oddone Colonna as Martin V on 11 November 1417 by a conclave of cardinals together with six

delegates from each nation is standard.

The proposition that a repair requires an outside enforcer plus an inside donor, and the observation about the timing of *Haec sancta*, are this study's.

MODULE 9

THE NATIONS VOTED

Module 9 · plurality or foreclosure — a council that made kingdoms into constitutional units, the leverage every crown acquired and kept, and the men for whom none of it did anything

The unit of account

The decree of 7 February 1415 changing the vote at Constance from a poll of members to a vote by nations is one of the most consequential procedural decisions in European history, and it was taken for a tactical reason.

John XXIII had created a great many Italian cardinals and prelates and had brought them to Constance. A poll of heads gave him a permanent majority. Voting by nation — Italian, German, French, English, with the Spanish added in 1416 — reduced that majority to one vote in four, and then one in five.

A procedural change made for a factional purpose established that the constitutional units of Latin Christendom were kingdoms.

Nobody intended that. The nations at Constance were a device for organising an assembly, and their composition was untidy — the English nation included the Scandinavians, the German included Poles and Hungarians, and the English claim to nationhood at all was disputed by the French, who argued that England was too small to constitute a nation and got a treatise for their trouble.

But the device held. It was used again at Basel. It gave every crown in Europe a formal seat at the table where the church's constitution was being decided, and it made the *concordat* — a treaty between the papacy and a kingdom — the natural instrument of the following century, because a body that deliberates by nations settles by nation.

Where an assembly's voting unit is the kingdom, the kingdom becomes a party to whatever the assembly settles, and the papacy that emerged from Constance faced not a single church but a set of national churches with negotiating positions.

What each party got and kept

Run the inventory and the pattern is the one this sequence has found wherever an apex is weak: **everyone with something to withhold got paid, and the payments were not returned.**

The crowns got the largest share. Forty years of two popes bidding for obedience, followed by a council in which they voted as units, followed by a restored papacy that needed their recognition, produced concordats conceding appointment powers, limits on annates and provisions, and restraints on appeals. The Concordat of Constance in 1418 with the individual nations was only the beginning; the Pragmatic Sanction of Bourges in 1438 and the Acceptation of Mainz in 1439 were the mature form.

The universities got standing they never had before and never entirely lost: as the bodies competent to determine questions the hierarchy could not, and as the training ground of the men who staffed the concordat negotiations.

The cardinals got the electoral capitulations of the fifteenth century — agreements extracted from candidates in conclave, binding a future pope to consult his college — which are the direct product of a period in which the college's adherence was what constituted an obedience.

And the local chapters got, for a period, the restoration of election to benefices, which the Basel decrees confirmed and the concordats partially preserved.

None of that was designed as a settlement of liberties. All of it was the price of adherence in a bidding war, and the Investiture study found the same generator in the eleventh century. What is new here is the scale and the durability: the concessions of 1378–1418 were written into treaties between the papacy and states, and treaties outlive the emergencies that produce them.

The instrument the crowns kept

Above all they kept the knowledge examined in Module 6: that obedience could be **suspended**, that the revenue could be retained, that the benefices could be filled locally, and that nothing would happen.

That is the counterweight of this period and it belongs to kings. It was demonstrated by France in 1398, generalised by the neutrality of 1408, formalised at Constance by the vote of nations, and codified in 1438 and 1439. No pope after 1417 negotiated with a crown that did not know it.

Who got nothing

And the accounting that every module of this kind requires.

The Bohemians got the opposite of a concession. They came to Constance with a doctrine not far removed from the council's own, and the council burned their spokesman under an imperial safe-conduct, burned his colleague ten months later, and condemned the memory of the Englishman who had supplied the theology. What Bohemia obtained from the great constitutional assembly of the age was fifteen years of war.

The parish clergy got two administrations taxing them, provisions they could not rely on, and appeals that went nowhere.

And the cultivating majority got the bill and no part in any of it. Their religion, as Module 2 established, continued unchanged; the entire crisis passed over them; and the revenue extracted from the estates they worked went, for forty years, to fund two curias fighting each other and, afterwards, to fund one that had inherited both sets of habits.

There is no instrument in this whole case that a person without a benefice, a chapter, a university or a crown could use. **Suspension of obedience is available to a kingdom. Voting by nations is available to a nation. A determination under seal is available to a faculty.** The counterweights of the schism are, without exception, corporate.

Reading liberty against the framework

The first finding, and it is a fifth generator to set beside the four this sequence has assembled. Earlier studies found counterweights arising from the technical form of institutions, from competitive bidding between two authorities, from a ruler's instruments being confessionally shaped, from a patron being plural, and from an amnesty binding its granter.

This case adds: **counterweights created by a procedural decision about the unit of account.**

Its signature is that it is invisible at the time, made for a tactical reason, and structurally enormous. Nobody at Constance in February 1415 was legislating the constitutional standing of kingdoms; they were breaking an Italian majority. **A change in the unit by which an assembly counts is a change in what kind of thing is a party to its decisions**, and it will outlast every reason for which it was made.

That is worth watching for generally, because it is the cheapest constitutional change available and the least likely to be recognised as one.

And the second finding, on the corporate character of these liberties. Every protection this period generated required a corporation to hold it: a kingdom, a chapter, a college, a faculty, a nation. The individual Christian's position was, at the end of the schism, exactly what it had been at the beginning, except that he had paid

more.

A crisis at the apex redistributes power downward only as far as the next body capable of acting corporately, and no further — which in fifteenth-century Europe meant kings, cathedral chapters, universities and colleges of cardinals, and which is why the schism produced the concordats and the national church and produced nothing whatever for anybody outside them.

A note on sources.

The decree of 7 February 1415 changing the voting method to voting by nations, the composition of the nations, the addition of the Spanish in 1416, and the dispute over the English claim to constitute a nation are standard.

The Concordat of Constance of 1418 with the individual nations, the Pragmatic Sanction of Bourges of 7 July 1438, and the Acceptation of Mainz of 1439 are standard; the first is treated only in outline here and the second is examined in the study of Charles VII in this sequence.

Electoral capitulations in fifteenth-century conclaves, and the Basel decrees on elections to benefices, are standard.

The French subtraction of obedience of 1398 and the neutrality of 1408 are treated in Module 6. The burnings of Hus and Jerome of Prague and the condemnation of Wyclif are treated in Module 7.

The identification of a change in an assembly's unit of account as a distinct generator of counterweights, and the proposition that an apex crisis redistributes power only as far as the next corporately capable body, are this study's.

MODULE 10

NO APPEAL FROM POPE TO COUNCIL

Module 10 · change and collapse — an institution repaired by a doctrine that subordinated it, and the century it spent destroying the doctrine

What Martin V did first

Oddone Colonna was elected on 11 November 1417 by a conclave that included, alongside the cardinals, six delegates from each of the five nations — that is, by a body constituted on conciliar principles, in a council that had deposed two popes and received the resignation of a third, under a decree asserting that a general council holds its power immediately from Christ and that a pope must obey it.

His title came from the council. There is no other account of it.

And within months of his election he was working against the doctrine that had produced him.

He declined to confirm the council's decrees in general terms, approving them, in the formula finally used, in matters of faith and conciliarly done — a phrase whose scope has been argued over ever since and which was drafted to be arguable. He settled with the nations by separate concordats rather than by a general reform decree, which divided the parties that had acted together. He forbade appeals from the pope to a general council. He convened the council that *Frequens* required at Pavia in 1423, moved it to Siena, and dissolved it early on a pretext of poor attendance.

Then he summoned the next one, to Basel, in 1431, and died within days of doing so.

Basel

His successor Eugenius IV tried to dissolve Basel in its first year and was forced to withdraw the dissolution. The council then spent seventeen years demonstrating both what conciliarism could do and why it could not last.

It legislated seriously and much of the legislation was good: on elections to benefices, on annates, on the conduct of the curia. Those decrees are the ones France

adopted in 1438 and Germany in 1439, and they are the substance of the Gallican liberties.

It also, when Eugenius moved the council to Ferrara and then Florence in 1437 for the negotiations with the Greeks, **declared him deposed and elected a rival — Felix V, in 1439.**

A movement created to end a schism created a schism, and it was the last one. Felix V had almost no support outside Savoy and the Swiss; the princes drifted to Eugenius; Felix resigned in 1449 and Basel dissolved.

The demonstration was complete and it ran the argument's own way. Conciliarism had claimed that a council could correct a failed head. At Basel a council produced exactly the disorder it existed to cure, and every crown in Europe watched it do so.

Execrabilis

The formal ending came eleven years later.

In 1460 Pius II — Enea Silvio Piccolomini, who had been secretary to the Council of Basel, had served the antipope Felix V, and had written in defence of conciliar authority before changing sides — issued the bull *Execrabilis*.

It condemned as execrable and unheard-of the abuse of appealing from the pope to a future general council, declared such appeals void, and attached penalties to making one.

The man who had written for conciliarism abolished the appeal that made it operable, and the abolition held. After 1460 there was no lawful route by which anyone could invoke a council against a pope, which means there was no lawful route by which the church could repair its own head.

What that means

Set the whole arc out and the finding is stark.

1378: the apex forks and there is no remedy. **1380s–1400s:** the interpretive class invents one. **1409:** the remedy is applied without standing and makes it worse. **1414–18:** the remedy is applied with an outside enforcer and an inside donor, and works. **1417–1460:** the office it repaired dismantles the remedy.

An institution repaired by a doctrine that subordinates it will spend the following period destroying the doctrine, and it will succeed, because the repair is complete and the doctrine's only constituency was the emergency.

That is not hypocrisy on Martin V's part or Pius II's. It is position logic. A restored papal monarchy that accepts a standing superior authority is not a restored papal monarchy; the office cannot hold the doctrine and remain the office. Every pope after 1417 was in a position that made opposition to conciliarism the only available policy, and they all pursued it regardless of what they had written beforehand — Piccolomini most conspicuously of all.

And the cost is the one this module exists to state. The church emerged from the schism with its unity restored and **without the instrument that had restored it.** The disease was cured and the remedy was abolished, and the patient has had no equivalent crisis since — which is usually reported as evidence that the cure worked, and is equally consistent with the observation that nothing has since tested it.

Reading the collapse against the framework

The finding, and it is this study's central contribution.

A source of title that has been repaired by an external authority will, once repaired, treat that authority as the principal threat — because the repair established a precedent that the office can be subordinated, and a precedent of subordination is precisely what an office whose value is unjudgeability cannot tolerate.

The mechanism is exact and it follows from the sequence's own findings. The value of the papal determination is its terminality; terminality requires that no one may judge; *Haec sancta* said someone may. Whatever gratitude Martin V owed Constance, the doctrine that made him pope was the doctrine that made his successors judgeable, and an unjudgeable office cannot coexist with a standing appeal.

So the repair of an unjudgeable authority is necessarily self-abolishing: it must be performed once, and the authority it restores must then destroy the mechanism, because the mechanism's existence is incompatible with what was restored.

That is a genuinely uncomfortable general proposition and it applies well beyond this case. Any institution whose value depends on finality will treat its own emergency remedies as permanent threats, and will dismantle them as soon as the emergency ends — with the result that the next emergency finds it defenceless in exactly the way the first one did.

And the second finding, on what survives. The doctrine was abolished and its by-products were not. The concordats stood. The national churches stood. The universities' standing stood. The crowns' knowledge that obedience could be suspended stood.

A repair that is abolished still leaves behind everything that was conceded during the emergency to obtain it — and in this case what was conceded during forty years of bidding was the appointment power over the churches of Europe, distributed to kings, which is the material out of which the sixteenth century was made.

A note on sources.

Martin V's election on 11 November 1417 by a conclave of cardinals with six delegates from each nation is treated in Module 8. His limited confirmation of the council's decrees, the separate concordats with the nations in 1418, his prohibition of appeals from pope to council, the Council of Pavia-Siena of 1423–24 and its early dissolution, and his summoning of Basel shortly before his death in 1431 are standard; the disputed scope of his confirmation formula is standard and is reported as disputed.

Eugenius IV's attempted dissolution of Basel and its withdrawal, the council's reform decrees, the transfer to Ferrara and Florence in 1437, the declaration of Eugenius's deposition and the election of Felix V in 1439, Felix's limited support, his resignation in 1449 and the dissolution of Basel, are standard.

Pius II's earlier career as secretary at Basel and in the service of Felix V, his conciliarist writings, and the bull *Execrabilis* of 1460 condemning appeals from the pope to a future general council, are standard.

The adoption of Basel's decrees in France in 1438 and Germany in 1439 is treated in Modules 6 and 9.

The proposition that the repair of an unjudgeable authority is necessarily self-abolishing, and that such an institution will treat its emergency remedies as permanent threats, is this study's.

MODULE 11

FORTY YEARS OF DOUBTFUL JURISDICTION

Module 11 · the grim accounting — a ledger in which almost every cost was borne by people who had no view on the question, and a record kept by both winners

The first column

Set down what came out of it.

The unity of the western church, restored. After thirty-nine years and three lines, one pope, universally accepted, without a war of religion and without a permanent division. That is a very large achievement and it was not inevitable; the East-West schism of 1054 is what the alternative looks like.

A body of constitutional thought. The conciliar literature of Gelnhausen, Langenstein, d'Ailly, Gerson and Zabarella is the most sustained European reflection on corporate authority before the seventeenth century, and its propositions — that authority resides in the whole body, that the head is an officer and not an owner, that a corporation may act when its head fails — did not disappear when the doctrine was suppressed. They were read afterwards by people with other applications in mind.

The concordats and the national churches, which gave the kingdoms of Europe a settled relation to Rome in place of the unlimited claims of the thirteenth century.

And the demonstration, valuable and unwelcome, that the ordinary religious life of Christendom could proceed for two generations without a securely identifiable pope.

The second column

Two curias funded from half a Christendom each for thirty-nine years, with the fiscal instruments intensified and never afterwards relaxed.

The wars: Marino, Naples, the Breton companies, the sieges — Christians paying for Christians to kill Christians over which Christian was head of the Church.

The benefices: forty years in which no provision was secure, no appeal final, no dispensation certainly valid, and litigation over all three unresolvable.

Bohemia: Hus burned under a safe-conduct in 1415, Jerome in 1416, and fifteen years of war.

And the conscience: an unquantifiable but real cost, borne by everyone thoughtful enough to notice that nobody could tell them whose absolution bound.

The shape of the record

The documentary position here is unusual and its peculiarity should be stated.

Both sides won, in the sense that both archives survived. The Avignon registers and the Roman registers both came into the possession of the restored papacy, and the historian therefore has two complete administrative records of the same forty years, kept by parties who did not acknowledge each other's existence.

That is the opposite of the usual condition in this collection, where the loser's record is destroyed or absorbed. And it produces the difficulty Module 7 identified: **two sincere archives cannot be read against each other for a gap, because there is no gap.** They agree about what happened and differ only in which of them was the church.

What neither contains is anybody outside the dispute. **The two most complete administrative archives of the fourteenth-century west, laid side by side, will tell you what a canonry in Poitiers was worth and who claimed it, and will not tell you what happened to the man who worked the land it was charged on.**

They do not net

And the columns are, as in every study in this sequence, one transaction seen from two ends.

The conciliar theory that is the period's great intellectual achievement was produced because the apex had failed and men were trying to repair it; it is the war's equipment, not its dividend. The concordats that gave the kingdoms a settled relation to Rome were the price of adherence during a bidding war. The restored unity was purchased at Constance with an outside enforcer, an inside donor, and — in the same room, eight weeks apart — the deposition of a pope and the burning of a Bohemian priest.

The achievement is what the crisis made, and the crisis is what it cost.

Reading the accounting against the framework

The finding, on who bears the cost of a legitimacy crisis. This sequence has repeatedly found the costs falling on parties outside the settlement. This case supplies the extreme version: **almost the entire cost was borne by people who had no view on the question and no way of forming one.**

The dispute was about the validity of an election in a room in Rome in April 1378, attended by sixteen men. It was decided, in practice, by the political alignments of a war between England and France. And it was paid for by the tenants of ecclesiastical estates across Latin Europe for thirty-nine years.

Where a legitimacy dispute concerns an office that allocates rather than governs, the cost falls with unusual purity on people with no relation to the question, because the office's revenue base and its constituency of interest are entirely different populations. A dynastic war at least burns the fields of the men whose loyalty is at issue. This burned nobody's fields and taxed everybody's.

And the second finding, on double archives. Where both parties to a schism survive institutionally and both records are preserved, the historian gains completeness and loses the instrument this framework normally relies on.

Information asymmetry requires an asymmetry of sincerity, and a fork between two parties who both believe their own case produces symmetric records of incompatible worlds. The correct response is to say so, to use the archives for what they agree on — which is the administration, and which is a great deal — and to record that the question they exist to settle is not settled by them.

A note on sources.

The costs and instruments summarised here are documented in Modules 1, 2, 5, 6 and 7. **No figures are given anywhere in this study for revenue, casualties, the number of contested benefices, or the population of either obedience, because the surviving material does not support them.**

The survival of both obediences' curial registers and their eventual concentration in the papal archive is standard.

The comparison with the East-West schism of 1054 is offered only as an indication of the alternative outcome and is not examined.

The propositions that a dispute over an allocative office imposes its costs on a population unrelated to the question, and that a fork between sincere parties defeats the information-asymmetry method, are this study's.

MODULE 12

THE PRICE OF HAVING ONE DESK

Module 12 · convergence and divergence — where a fork sits among the failure modes this sequence has catalogued, and the strongest case for the conciliar solution, stated fully and answered

The catalogue

Six studies in this sequence have examined one problem. Force compels and cannot make obedience owed. Somewhere there must be a party who can declare that obedience is owed, and the declaration is worth having only because the ruler could not have produced it.

The first five sorted their cases by **where the authorising credential lived**: in an office, capturable; in a person, uncapturable and uncommittable; in a family, predictable and hostage to biology; in a state grant, starvable; in a claim of direct revelation, unforgeable and unrepeatable.

This case is not another location. It is a failure mode, and it is the one none of the others could exhibit because none of them had two.

The catalogue of failures now runs:

Capture — the issuer is taken over, as the Latin credential could be and was fought over for fifty years. **Compulsion** — the issuer is bound by his own doctrine to issue, as Gregory VII was at Canossa. **Purchase** — the issuer is bought, as the Abbasid caliph effectively was. **Starvation** — the issuer is defunded, as Akbar's scholars were. **Hollowing** — a mutual authorisation loses its purchase when one party's independent base erodes, as the Sakya's did. **Expenditure** — a personal issuer is used and discarded, as Joan was.

And forking, which is different from all of them, because **no party has to do anything wrong for it to happen.** Every bull genuine. Every consecration valid. Every claimant sincere. Two men elected by the same college in the same year, and the instrument destroyed.

Why forking is the worst of them

Because it is the only failure that cannot be prevented by any party's virtue, and the only one that cannot be repaired from inside.

Capture can be resisted. Compulsion can be anticipated. Purchase can be refused. Starvation can be endured. Hollowing can be arrested by maintaining an independent base. Expenditure is a choice somebody makes.

A fork requires only an ambiguity in the rule of succession and a disagreement about the facts, and once it has happened, **every instrument the institution possesses is symmetrically available to both halves.** Excommunication, provision, dispensation, canonisation — each side has all of them and each side's use of them cancels the other's.

A source of title's authority is not divisible. It is destructible, and dividing it is how you destroy it.

What that costs, and why

The severity is a function of centralisation, and this is the point at which this study joins the second one in the sequence.

The Investiture Contest was fought over whether the papacy would be the single addressee of the western church. The papacy won. Three hundred years later a disputed election in a room with sixteen men in it stopped provision, appeal, dispensation and jurisdiction across the whole of Latin Europe for thirty-nine years — because there was nowhere else for any of those to go.

An institution that has made itself the single addressee of every question has no redundancy at the apex, and has traded robustness for reach. The trade is usually worth making and its price is paid all at once, rarely, and catastrophically.

Compare the Islamic case, which the Seljuk and Mughal studies examined. The *'ulamā'* had no single addressee, no apex, no appellate structure terminating anywhere, and a credential passing person to person. **That system cannot be captured and it cannot fork**, because there is nothing at the top to fork. It also cannot be committed, cannot speak with one voice, and — as this study's fourth module established — **cannot repair itself corporately**, because there is no body to convene.

Reach, capturability, forkability and corporate self-repair are four faces of one property, and no institution gets to choose among them separately. An institution centralised enough to be worth capturing is centralised enough to fork and organised

enough to fix itself. One diffuse enough to be uncapturable is diffuse enough to be unforkable and too diffuse to act.

That is the sequence's completed structural statement and this case is what supplied the missing terms.

The strongest case for the conciliar solution

Stated as its best advocate would state it.

You have written a study about a remedy that was abolished. Consider what it did.

For thirty-nine years the western church had two heads and then three, and every ordinary method had failed. Force could not settle it; the popes would not resign; arbitration was refused; and the alternative to a solution was the permanent fracture of Latin Christendom into national churches, two centuries early and with no theology to organise it.

The universities of Europe, working for a generation without power or armies, produced a doctrine that could end it: that the church is a body, that its authority is Christ's gift to the whole and not the private property of one officer, and that when the head fails the body may act. They were not revolutionaries. Gerson and d'Ailly were the most orthodox men of their age and they were trying to save the institution, not to remake it.

And it worked. At Constance three claimants were removed — one by resignation, two by deposition — a pope was elected who was accepted by everybody, and the schism ended. No other method had a chance. It also legislated seriously, gave the kingdoms a settled relation to Rome, and established that a Christian body can correct its own government without either civil war or heresy.

That the papacy afterwards suppressed the doctrine is a judgement on the papacy, not on the doctrine. Measure conciliarism by what it accomplished in the one crisis it was built for, and it accomplished the thing everything else had failed at for forty years.

The answer

Almost all of that is true and the central claim is the strongest thing in the case: **no other method had a chance, and this one worked.** Concede it.

But the mechanism was not what its advocates claimed. The doctrine held that a council's authority comes immediately from Christ and needs no papal convocation. That proposition was tested at Pisa in 1409 by cardinals of both obediences acting on exactly it, and it produced a third pope. What made Constance different was not better

doctrine but two supplies from outside the theory: **an emperor with the force to convene and hold the assembly, and a claimant willing to convoke it so that it could receive his resignation.** *Haec sancta* was passed in the one window when the council had neither. The theory did not do the work; Sigismund and Gregory XII did.

The suppression that followed was not a betrayal but a structural necessity, which is worse. A restored papacy cannot hold a doctrine that makes it judgeable, because judgeability destroys the terminality that is the office's whole product. Martin V and Pius II were not ingrates; they were occupying a position that had one available policy. Which means the remedy was self-abolishing by construction and could never have been a permanent constitution.

And Basel proved the point against itself. A council asserting inherent authority deposed a pope and elected a rival, and produced the last schism of the Latin west. The doctrine's own final demonstration was that a body claiming to cure forks could make one.

Now the concession, and it should be the last thing this study says.

The conciliar movement was right about the diagnosis and wrong about the cure, and its rightness about the diagnosis is what has survived.

It saw, before anyone, that an institution which has made itself the single addressee of every question has acquired a fatal exposure, and that an office no one may judge cannot adjudicate its own occupancy. Those are true, they were discovered under maximum pressure by men trying to save what they loved, and this sequence has spent six studies confirming them from other directions.

What it could not do was solve the problem from inside, because the problem is that there is no inside solution. **A source of title cannot certify its own occupancy, cannot be repaired by a body it did not authorise, and cannot tolerate the body that repairs it.** Constance succeeded by importing an enforcer and borrowing an authorisation from the very line it was removing — which is not a constitutional procedure but a one-time improvisation of great ingenuity, and the church has never had another.

The office was restored intact, including the flaw, and its defenders would say that is what restoration means. They would be right. That is exactly what it means, and it is why the price of having one desk is paid in full, once, whenever the desk is disputed.

A note on sources.

The comparisons in this module rest on the five preceding studies in this sequence — the Seljuks and the Abbasid Caliphate, the Investiture Contest, the Ibadat Khana and the Mahzar, the Patron and the Priest, and the King of Bourges — where the material is documented.

The events at Pisa in 1409 and Constance in 1414–18, the role of Sigismund, Gregory XII's convocation and resignation, the timing of *Haec sancta*, the Basel deposition of Eugenius IV and election of Felix V, and *Execrabilis* of 1460, are treated in Modules 8 and 10 with their sources.

The counter-position in this module is composed, not quoted. It is an attempt to state the case for the conciliar solution as its best advocate would state it, drawing on claims that appear across the historiography rather than on any single author, and it is answered point by point rather than dismissed.

This study takes no position on which of the three lines of claimants was validly elected, a question the Catholic Church itself has never formally determined and which the numbering of the popes reflected in an unresolved state into the twentieth century.

The propositions that forking is a distinct failure mode requiring no party's misconduct, that reach, capturability, forkability and corporate self-repair are four faces of one property, and that a source of title cannot tolerate the body that repairs it, are this study's, and they complete an argument begun in the second study of this sequence.

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Part of the collection Patterns of Power. Tested, never revealed.